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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,157	11/12/2003	Lee Martinson	TIOG-004	8254
7590	09/06/2005		EXAMINER	
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			CHARLES, MARCUS	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,157	MARTINSON ET AL.	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11-12-2003</u> .	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

This is the first action relating to serial application number 10/712,157, filed 11-12-2003. Claims 1-20 are currently pending.

Drawings

1. The examiner has accepted the drawing filed with this application as formal drawing.

Specification

2. The disclosure is objected to because of the following informalities: the paragraph relating to "Cross Reference to Related Application" must be updated to included application 10/015,343 is abandon. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-14 and 18-20 arerejected under 35 U.S.C. 103(a) as being unpatentable over Rointru et al. (6,422,964 in view EP (0086522). Rointru et al. discloses a belt tensioner (see fig. 16a, 16b) comprising a base (3) which is also a lower member; an upper member (19) positioned over the lower member, the upper support member is also a support stand and a roller (21) for engaging a belt is rotatably position within the support member; a spring positioned on and applying a separate force between the lower member and upper member; a

securing shaft (13) attached to the base but does slidably extend through the support stand. Rointru et al. also discloses that it would be possible to include a threaded shaft with nut to prestress the tensioner. EP (0086522 discloses a tensioner comprising a threaded shaft (9) attached to a base and slidably extending through a support member (3) and a threaded nut (10) threadably attached to the threaded portion of the shaft in order to adjust the tensioner system inherently the tensioner. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Rointru et al. to include the shaft of EP (0086522) as proposed by Rointru et al in order to adjust the tensioner system inherently prestressing the tensioner.

In claims 2, not Rointru et al. and EP (0086522) disclose the claimed invention.

In claims 4, 5 and 12, note the spring of Rointru et al. is a compression spring and engages the upper and lower members that includes the base.

In claims 6 and 14, it is apparent from the drawing symbol that the cross-section of the wheel indicated the wheel is made from a nylon material.

In claim 7, Rointru et al. discloses an elongated fastener (not labeled).

In claims 9-13 and 15, Rointru et al. and EP (0086522) disclose the claimed invention.

5. Claims 8, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rointru et al. in view of EP (0086522) as applied to claim 1 above and further in view of Nealy (1,047,830). Rointrue disclose the claimed

invention above but failed to disclose the relationship of the length of the fastener to the diameter wheel such that the fastener has a length at least two times greater than a diameter of the. Nealy discloses a belt a belt guide (fig. 2) comprising a wheel (6) and a fastener (7) passing through the wheel so that the wheel such that the length of the fastener is more that twice the diameter of the wheel in order to the wheel to tension belt with various width and in particular larger belts. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Rointrue et al. so that the length of the fastener is at least twice greater than the diameter of the wheel in view of Nealy in order to in order to the wheel to tension belt with various width and in particular larger belts.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rointrue et al. (6,422,964 in view EP (0086522) and Nealy. Rointrue et al. in view EP (0086522) and Nealy discloses the claimed invention in paragraphs 4 and 5 above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Rointrue et al. to include the shaft of EP (0086522) as proposed by Rointrue et al in order to adjust the tensioner system inherently prestressing the tensioner. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Rointrue et al. so that the length of the fastener is at least twice greater than the diameter of the wheel in view of Nealy in order to in order to the wheel to tension belt with various width and in particular larger belts.

7. In claims 18-20, the method claim is inherently included during the manufacturing of Rointru et al. and EP (0086522) device

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Woodring (3,422,692), SU (1381288) and Xerox Disclosure Journal Vol. 16, No.6) to Kim discloses a tensioner having a shaft, a nut and a support member.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcus Charles
Marcus Charles
Primary Examiner
Art Unit 3682
August 25, 2005